



City of El Paso – City Plan Commission Staff Report

Case No: PZCR12-00007
Application Type: Zoning Condition Release
CPC Hearing Date: August 9, 2012
Staff Planner: Esther Guerrero, 915-541-4720, guerreroex@elpasotexas.gov
Location: 5420 Hurd Place
Legal Description: Portion of Lot 1, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas
Acreage: 2.085 acres
Rep District: 8
Zoning: C-4/sc (Commercial/special contract) and C-1/sc (Commercial/special contract)
Existing Use: Vacant
Request: Release all conditions imposed per Ordinance No. 7871 and Ordinance No. 9264 (attached)
Property Owner: Avico Family, L.P.
Representative: Roe Engineering, L.C.

SURROUNDING ZONING AND LAND USE

North: C-4/sc (Commercial/special contract) / commercial uses and warehousing
South: C-1/sc (Commercial/special contract), C-4/sc (Commercial/special contract) / self-storage facility
East: C-3/sc (Commercial/special contract) / offices, commercial warehousing
West: C-4/sc (Commercial/special contract) / commercial warehousing

Plan El Paso Designation: G-4, Suburban (Northwest Planning Area)

Nearest Park: Galatzan Park (397 feet)

Nearest School: L.B. Johnson Elementary, Morehead Middle (1,551 feet)

NEIGHBORHOOD ASSOCIATIONS

Mesa Hills Neighborhood Association, Save the Valley, Upper Mesa Hills Neighborhood Association, Coronado Neighborhood Association, Upper Valley Improvement Association

NEIGHBORHOOD INPUT

Notices of the August 9, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on July 26, 2012. The Planning Division has not received any calls or letters in favor or in opposition to this request.

APPLICATION DESCRIPTION

The request is to release all conditions on the property imposed by Ordinance Nos. 7871 & 9264.

The conceptual site plan shows self-storage units and recreational vehicle parking spaces, with access via Hurd Place and Suncrest Drive.

Ordinance No. 7871 (for the south portion of the subject property zoned C-1/sc):

- 1. No building permits will be issued for construction until a subdivision plat is approved and filed for record.*
- 2. No building permits will be issued for construction on Parcels until a detailed site development plan is approved by the City Plan Commission and the City Council.*

Ordinance No. 9264 (for the north portion of subject property zoned C-4/sc):

- 1. The property shall be used only as a sales office and warehouse engaged in the storage, retailing and wholesaling of products and services.*

2. *Wallenburg Drive must be improved to City standards, from where it abuts Lot 1, Block 5, Punto Alegre Subdivision to the west boundary of Fiesta Hills Unit 5, by August 1, 1988.*
3. *The property owners must remove the existing pavement on the vacated portion of Mardi Gras Drive (a/k/a Wallenburg Drive) by August 1, 1988.*

CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends the release of all conditions imposed per Ordinance Nos. 7871 & 9264. All conditions have either been met or are no longer necessary.

Plan El Paso-Future Land Use Map Designation

All applications for zoning condition releases shall demonstrate compliance with the following criteria:

G-4 – Suburban: This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-1 neighborhood commercial district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

The purpose of the C-4 regional commercial districts is to provide for locations for the most intensive commercial uses intended to serve the entire City. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

City Development Department Section Comments

Planning Section

No objections to the proposed condition release.

Note: All existing/proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and current City of El Paso Design Standards for Construction.

Permits & Inspections

No comments received.

Land Development

-Grading plan and permit shall be required.*

-Storm Water Pollution Prevention Plan and/or permit required.*

-Drainage plans must be approved by the City Development Department, Land Development Section.*

* This requirement will be applied at the time of development.

Police Department

No conflicts with this request.

Fire Department

Recommend approval of "Condition Release" as presented and does not adversely affect fire department at this time.

** Note: a more detailed reviewed will be done by fire plan review during the permitting process.

El Paso Water Utilities

1. EPWU does not object to the release of the zoning conditions.

Water:

2. There is an existing 8-inch diameter water main that extends along Hurd Place fronting the western boundary of the Subject Property (5420 Hurd Place). This water main is available for service.
3. There is an existing 8-inch diameter water main that extends along Suncrest Drive fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This water main is available for service.
4. EPWU records indicate a 1½-inch water meter serving the subject property. The service address for this meter is 5420 Hurd Place.
5. Previous water pressure readings from fire hydrant #6959, located at the northwest corner of Hurd Place and Eagle Drive adjacent to the subject property, have yielded a static pressure of 110 pounds per square inch (psi), a residual pressure of 100 psi and a discharge of 919 gallons per minute (gpm).
6. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

7. There is an existing 8-inch diameter sanitary sewer main that extends along Hurd Place fronting the western boundary of the Subject Property (5420 Hurd Place). This sanitary sewer main is available for service.
8. There is an existing 8-inch diameter sanitary sewer main that extends along Suncrest Drive fronting the eastern boundary of the Subject Property (5940 Cadiz Street). This sanitary sewer main is available for service.

General:

9. Applications for additional services should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release application:

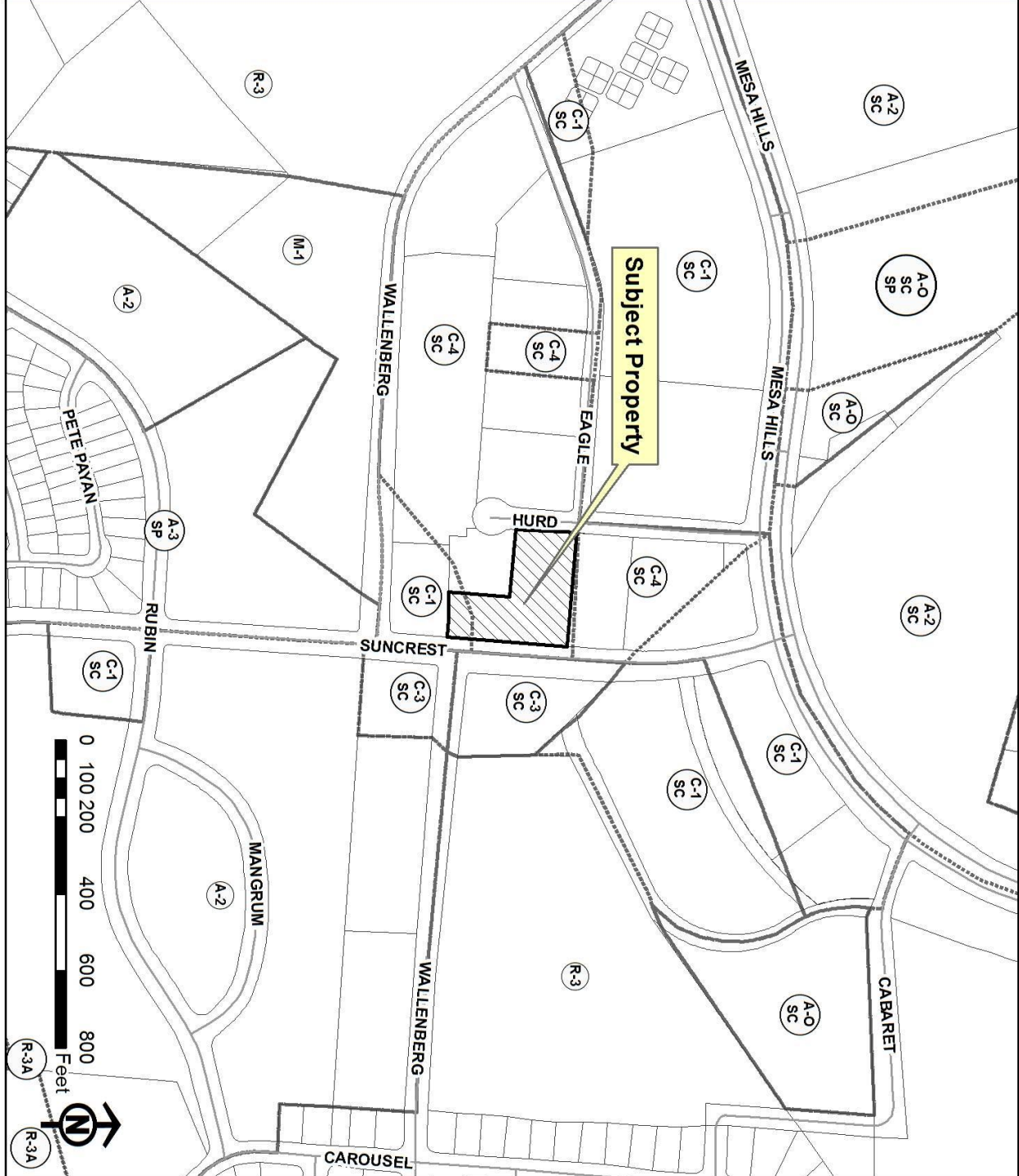
1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 7871
5. Ordinance No. 9264

ATTACHMENT 1: LOCATION MAP

PZCR12-00007

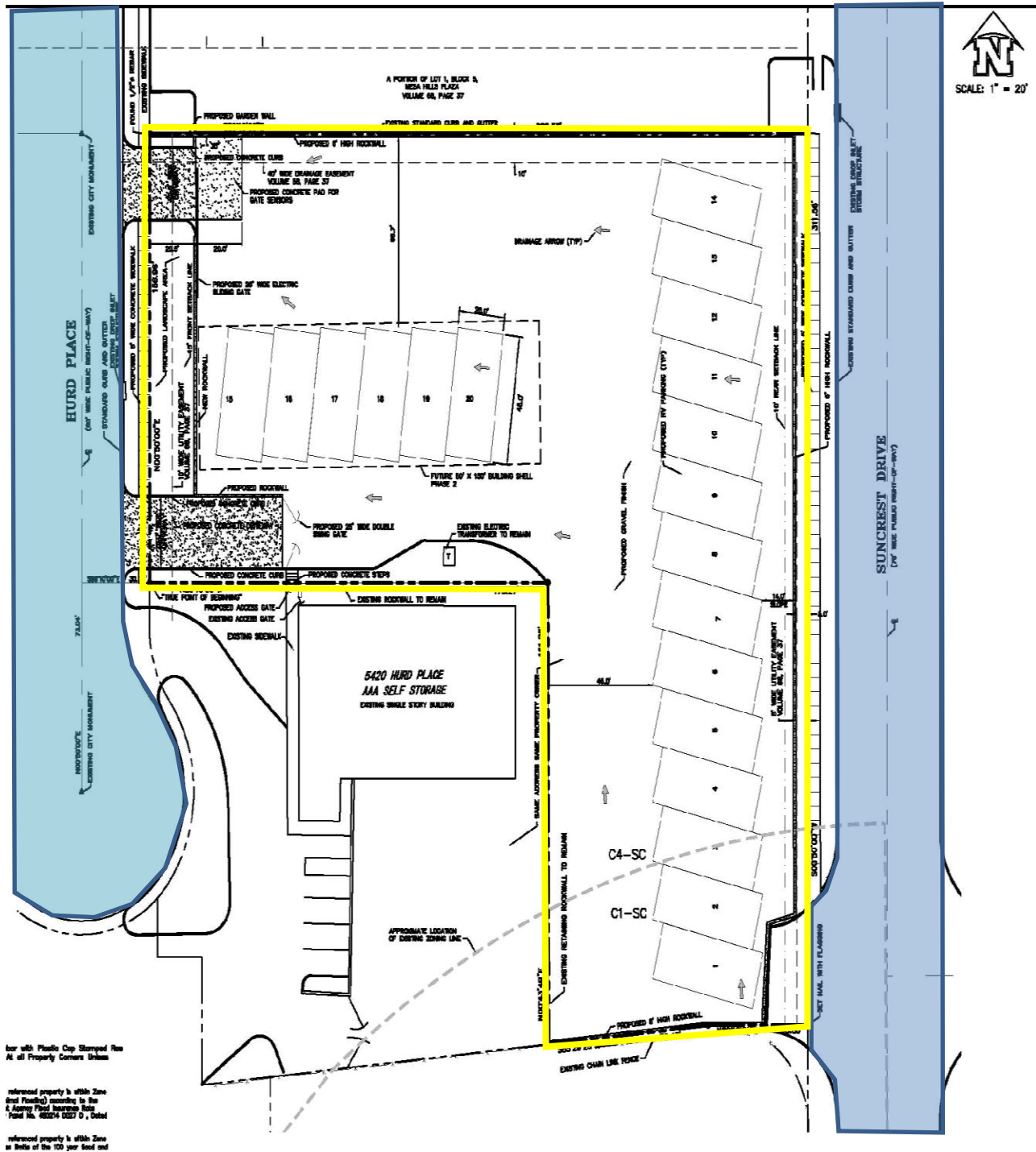


ATTACHMENT 2: AERIAL MAP

PZCR12-00007



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE NO. 7871

7871
07871

AN ORDINANCE CHANGING THE ZONING
OF A. F. MILLER SURVEY #214 (PORTION OF
E. H. CANTRELL SURVEY #214)
THE PENALTY BEING AS PROVIDED IN
SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a A. F. Miller Survey #214 (portion of E. H. Cantrell Survey #214), as more particularly described in the attached metes and bounds identified as Exhibits "A, B, C, D, E, and F," and made a part hereof by reference, be changed from R-3 (Residential) District to A-2 (Apartment) District (Parcel 1 - 29.096 ac.); C-OP (Office Park) District (Parcel 2 - 15.807 ac.); A-O (Apartment/Office) District (Parcel 3 - 13.534 ac.); R-5 (Residential) District (Parcel 4 - 0.781 ac.); C-1 (Commercial) District (Parcel 5 - 0.949 ac.); and R-5 (Residential) District (Parcel 6 - 1.157 ac.) within the meaning of the zoning ordinance and the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 4th day of October, 1983.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

Planning Research and
Development

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: C.D.

12-20-83 COUNTER

12-19-83 ORIGINAL

12-20-83 CONTROL

12-20-83 CONTROL

07871

7871

Contract (10/4/83)

I certify that the zoning map has been revised to
reflect the amendment of ordinance # 7871
Date 12-19-83



THE STATE OF TEXAS)
)
COUNTY OF EL PASO

CONTRACT

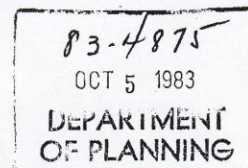
THIS CONTRACT, made this 4th day of October,
1983, by and between PUNTO ALEGRE JOINT VENTURE, First Party, and the
CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for
rezoning of A. F. Miller Survey #214 (portion of E. H. Cantrell Survey
#214), City and County of El Paso, Texas which are more particularly
described by metes and bounds in the attached Exhibits "A, B, C, D, E
and F," which are made a part hereof by reference. To remove certain
objections to such rezoning, First Party covenants that if the
property is rezoned to A-2 (Apartment) District (Parcel 1 - 29.096 ac.);
C-OP (Office Park) District (Parcel 2 - 15.807 ac.); A-O
(Apartment/Office) District (Parcel 3 - 13.543 ac.); R-5 (Residential)
District (Parcel 4 - 0.781 ac.); C-1 (Commercial) District (Parcel 5 -
0.949 ac.); R-5 (Residential) District (Parcel 6 - 1.157 ac.) within
the meaning of the zoning ordinance of the City of El Paso, it shall
be subject to the following restrictions, conditions and covenants:

1. No building permits will be issued for construction
until a subdivision plat is approved and filed for record.
2. No building permits will be issued for construction
on Parcels 1, 3 and 5 until a detailed site development
plan is approved by the City Plan Commission and the
City Council.

This agreement is a restriction, condition and covenant running
with the land and a charge and servitude thereon, and shall bind First
Party and its successors in title. Any future conveyance of the land
shall contain this restriction, condition and covenant and shall
embody this agreement by express reference.

The City may enforce this agreement by injunction or any
other legal or equitable remedy. The City Council of the City of
El Paso may release the above restrictions, conditions and
covenants in its discretion without the consent of any third
person who may be benefited thereby.



Ord. 7871 (10/4/83)

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

PUNTO ALEGRE JOINT VENTURE
First Party

By *[Signature]*
Title *Mayor*

ATTEST:

n/A
Secretary

THE CITY OF EL PASO
Second Party

By *[Signature]*
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO CONTENT:

[Signature]
Planning, Research and
Development

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 29th day
of Sept, 1983, by Ronald B. Fiskell
representative for PUNTO ALEGRE JOINT VENTURE.

[Signature]
Notary Public, State of Texas

My Commission Expires:

6/30/84

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 4th day
of October, 1983, by JONATHAN W. ROGERS, as Mayor
of the City of El Paso.

[Signature]
Notary Public, State of Texas

My Commission Expires:

6/30/84

Ord. 7871

ATTACHMENT 5: ORDINANCE NO. 9264

009264

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF LOTS 1 AND 2, BLOCK 2, PUNTO
ALEGRE SUBDIVISION,
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Lots 1 and 2, Block 2, Punto Alegre Subdivision, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from C-1 (Commercial) and A-O (Apartment/Office) to C-4 (Commercial) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 14th day of January,
1988.

James W. Rye
Mayor

ATTEST:

Lois Hunter
City Clerk

APPROVED AS TO FORM:

C. Catoris
Assistant City Attorney

Contract 4-26-88

ZNG5:5333.87

009264

APPROVED AS TO CONTENT:

Roy W. Rye
Department of Planning,
Research and Development

RECEIVED
MAY 17 1988

PLA

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract between THE CITY OF EL PASO, GUNNISON INVESTMENT COMPANY, INC., MBANK OF EL PASO, and AMERICAN BANK OF COMMERCE, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 009264, more particularly described as a portion of Lots 1 and 2, Block 2, Punto Alegre Subdivision.

ADOPTED this 19th day of January, 1988.

[Signature]
Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

ZNG5:5333.87

RECEIVED

MAY 17 '988

PLA

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT made this 26th day of April,
1988, by and between GUNNISON INVESTMENT COMPANY, INC., First
Party, MBANK OF EL PASO and AMERICAN BANK OF COMMERCE, Second
Parties, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for the
rezoning of a portion of Lots 1 and 2, Block 2, Punto Alegre
Subdivision, City and County of El Paso, Texas, which is more
particularly described by metes and bounds in the attached
Exhibit "A" which is made a part hereof by reference. To remove
certain objections to such rezoning, First Party covenants that
if the property is rezoned from C-1 (Commercial) and A-O
(Apartment/Office) to C-4 (Commercial) within the meaning of the
zoning ordinance of the City of El Paso, it shall be subject to
the following restrictions, conditions and covenants:

1. The property shall be used only as a sales
office and warehouse engaged in the storage,
retailing and wholesaling of products and
services.
2. Wallenburg Drive must be improved to City
standards, from where it abuts Lot 1, Block
5, Punto Alegre Subdivision to the west
boundary of Fiesta Hills Unit 5, by August 1,
1988.
3. The property owners must remove the existing
pavement on the vacated portion of Mardi Gras
Drive (a/k/a Wallenburg Drive) by August 1,
1988.

This agreement is a restriction, condition and covenant

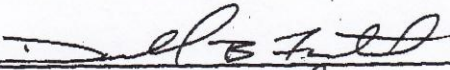
running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity or necessitating the amendment of the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY:
GUNNISON INVESTMENT COMPANY, INC.

By 
Title President

ATTEST:


Secretary

SIGNATURES CONTINUED ON NEXT PAGE